IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO.18 OF 1992

State of Maharashtra .. Appellant

versus

Dnyandev Ganpat Chavan & Anr. .. Respondents

...

Mr.D.P. Adsule, APP for the State.

None for the respondent.

CORAM : V.M. KANADE, J

DATED : 17th December 2004.

P.C:-

1. Heard the learned APP appearing on behalf of the State and the learned counsel appearing on behalf of the respondent.

2. The respondent accused were prosecuted under the provisions of Prevention of Food Adulteration Act. The prosecution case was that the taddy which was sold by the respondent accused was adulterated. The Food

Inspector had seized 1500 ml of taddy from her share and a sample was sent to the public analyst who submitted a report that the prescribed standard was not maintained. In the cross examination, Food Inspector has admitted that while taking sample, he had not prosecuted the sample in a dry and clean vessel. There was thus a non compliance of mandatory provisions of Rule 8, 12, 16B of the Prevention of Food Adulteration Act. The trial Court has given cogent reasons for dismissing the appeal. I have perused the judgement and order passed by the trial Court as also the oral and documentary evidence.

3. In my view, the trial Court has given cogent reasons while coming to the conclusion that there was a contravention of the provisions of section 11(1)(d) and section 20 and Rule 8, 2, 16B of the Act. I do not see any reason to interfere with the said well reasoned order.

4. Appeal is dismissed.

V.M. KANADE, J